

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
v.	:	DATE FILED: _____
	:	
DOMINIC CAVALIERI	:	VIOLATIONS:
	:	
	:	21 U.S.C. § 846 (conspiracy to distribute
	:	and possess with intent to distribute
	:	methamphetamine - 1 count)
	:	21 U.S.C. § 841 (a)(1) (distribution of
	:	methamphetamine - 1 count)
	:	21 U.S.C. § 853 (notice of forfeiture)
		(notice of additional factors)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From in or about September 2004, to on or about October 5, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

DOMINIC CAVALIERI

conspired and agreed, with Craig Green, charged elsewhere, and others known and unknown to the grand jury, to knowingly and intentionally distribute, and possess with intent to distribute, 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(B).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant DOMINIC CAVALIERI agreed to obtain 1/4 pound of methamphetamine for co-conspirator Craig Green for distribution and sale to a third parties.

OVERT ACTS

In furtherance of the conspiracy, the defendant, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania:

1. In or about late September 2004 or early October 2004, defendant DOMINIC CAVALIERI agreed to supply Craig Green with 1/4 pound of methamphetamine at a price of \$4,500 for resale to others.

2. On or about October 5, 2004, defendant DOMINIC CAVALIERI advised Craig Green to “come on by,” to obtain the agreed upon quantity of methamphetamine from CAVALIERI at CAVALIERI’s residence on that date.

3. On or about October 5, 2004, defendant DOMINIC CAVALIERI distributed approximately four ounces of methamphetamine to Craig Green at 1513 South 13th Street, Philadelphia, Pennsylvania.

4. On or about October 5, 2004, during a recorded telephone call, defendant DOMINIC CAVALIERI agreed to accept a partial payment of \$3,000 in United States currency and an additional installment payment of \$1,500 within one hour for the four ounces of methamphetamine previously distributed to Craig Green by CAVALIERI.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 5, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

DOMINIC CAVALIERI

knowingly and intentionally distributed more than 50 grams, that is, approximately 112 grams, of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offenses charged in Counts One and Two of this indictment, defendant **DOMINIC CAVALIERI**:

a. Committed an offense and relevant conduct involving more than 50g but less than 200g of methamphetamine, as described in U.S.S.G. § 2D1.1(a)(3).

NOTICE OF PRIOR CONVICTION

THE GRAND JURY FURTHER CHARGES THAT:

Defendant **DOMINIC CAVALIERI** committed the offenses charged in Counts One and Two of this indictment after having been convicted in the United States District Court for the Eastern District of Pennsylvania of the following felony drug offenses:

1. Distribution of cocaine, possession with intent to distribute cocaine, unlawful use of a communication facility at Indictment Number 91-510, for which he was sentenced on February 26, 1992, to a term of imprisonment of 78 months, 4 years supervised release, to run concurrent with the sentence imposed on Indictment No. 91-469.
2. Conspiracy to distribute methamphetamine, distribution of methamphetamine at Indictment Number 91-469, for which he was sentenced on February 26, 1992 to a term of imprisonment of 78 months, 4 years supervised release, to run concurrent with the sentence imposed on Indictment No. 91-510.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1) set forth in this indictment, the defendant

DOMINIC CAVALIERI

shall forfeit to the United States of America:

(a) Any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violation of Title 21, United States Code, as charged in this Indictment, such property to include but not be limited to: 1) the real property located at 1513 S. 13th Street, Philadelphia Pennsylvania;

(b) Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 21, United States Code, as charged in this Indictment, such property to include but not be limited to: 1) the sum of approximately \$13,000 in United States currency seized from defendant **DOMINIC CAVALIERI** and from his residence at 1513 S. 13th Street, Philadelphia, Pennsylvania, on October 5, 2004.

2. If any of the property described above as being subject to forfeiture, as a result of any act of omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney